

United States District Court

District of Maine

In Re:)
)
COURT OPERATIONS UNDER)
THE EXIGENT CIRCUMSTANCES)
CREATED BY THE COVID-19) GENERAL ORDER 2020-14
CORONAVIRUS & RELATED) (Amended, October 6, 2020)
PANDEMIC PRECAUTIONS) (Amended, December 14, 2020)

GENERAL ORDER

This General Order is the 14th issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*. The Court hereby adopts and incorporates the findings made in the previous General Orders as to the threat to public health and safety presented by the COVID-19 pandemic.

The national emergency declared by President Donald J. Trump and the state of emergency declared by Maine Governor Janet T. Mills remain in effect. Accordingly, the Court has adopted a methodical and incremental approach to the resumption of in-court proceedings. Based on that approach, the Court previously implemented a schedule of limited in-court hearings and has been preparing to resume jury empanelment and trials beginning in January 2021.

Based on publicly available data and information related to the recent increase in the community-spread of the COVID-19 virus in the District of Maine, the Court has concluded that the current threat to public health makes it inadvisable to resume jury empanelment and trials at this time. For the same reason, the Court has also concluded that all previously scheduled in-court criminal and civil hearings scheduled to occur during the period December 14, 2020, through March 31, 2021, should be continued.

Accordingly, this General Order (1) continues all previously scheduled in-court criminal and civil hearings through March 31, 2021; (2) continues criminal and civil jury empanelment and trials until the April 2021 Jury Term; (3) extends Speedy Trial Act exclusions; and (4) reauthorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, through March 14, 2021, in keeping with the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), Pub. L. No. 116-136, 134 Stat. 281 (2020). In addition, this General Order reauthorizes the admission of attorneys to the Court's bar without a hearing.

A. In-court Hearings; Criminal and Civil Jury Empanelment and Trials

To protect public health and safety, and to reduce the size of public gatherings and unnecessary travel, and subject to the Court's ongoing review of the circumstances associated with the COVID-19 pandemic, it is ORDERED:

1. In-court Hearings; Jury Empanelment and Trials
 - a. In-court hearings in criminal and civil cases scheduled during the period December 14, 2020, through March 31, 2021, are continued. No in-court hearings will be scheduled during this period absent a judicial determination that an in-court hearing is required to address an emergency request involving a serious threat of immediate and irreparable injury, loss, or damage.
 - b. All criminal and civil jury empanelment and trials scheduled to commence in the Bangor and Portland Divisions of the U.S. District Court for the District of Maine are continued until the April 2021 Jury Term.
2. Continuances in Criminal Cases. For every continuance entered in a criminal case pursuant to this General Order or a prior General Order, the time period of the continuance will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding Judge in each case. The Court finds that the ends of justice served by taking such action outweigh the interests of the parties and the public in a speedy trial. The presiding Judge may extend or modify the period of exclusion as circumstances may warrant.
3. Deadlines in Criminal and Civil Cases. This General Order does not contain a general extension or suspension of any court deadlines. A party who desires the extension or suspension of a deadline in a criminal or civil case should file a written motion in accordance with the applicable rule or rules.

B. Reauthorization of Videoconferencing and Telephone Conferencing

1. Finding. In accordance with Section 15002(b)(3)(A) of the CARES Act, I have again reviewed the need for the continued use of videoconferencing or telephone conferencing, if videoconferencing is not reasonably available, as originally authorized by General Order 2020-4 (March 31, 2020) and reauthorized by General Order 2020-10. I find that the use of videoconferencing or telephone conferencing, if videoconferencing is not reasonably available, continues to be necessary to protect public health and safety.

2. Reauthorization. Accordingly, I hereby reauthorize the use of videoconferencing and telephone conferencing, if videoconferencing is not reasonably available, through March 14, 2021.

C. Applications for Admission to the Bar of this Court

1. Reauthorization. I hereby reauthorize the consideration of applications for admission to the Bar of the Court without a hearing, as originally authorized by and described in General Order 2020-5. This practice will continue until further order of the Court.

Effectiveness: This Amended General Order takes effect on December 14, 2020, and, except as otherwise expressly provided herein, its provisions shall remain in effect until superseded by a future Order of the Court.

SO ORDERED.

Dated: December 11, 2020

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

Note Regarding October 6, 2020, Amendment:

General Order 2020-14, originally entered on September 18, 2020, is amended effective October 6, 2020, to clarify that the Court will resume a limited schedule of in-court hearings beginning in October 2020.

Note Regarding December 14, 2020, Amendment:

General Order 2020-14, originally entered on September 18, 2020 and Amended effective October 6, 2020, is further amended to establish that all scheduled in-court criminal and civil hearings during the period December 14, 2020, through March 31, 2021, are continued; and criminal and civil jury trials and empanelment are continued until the April 2021 Jury Term. In addition, General Order 2020-14 is further amended to reauthorize, for purposes of Section 15002(b)(3)(A) of the CARES Act, the continued use of videoconferencing and telephone conferencing, if videoconferencing is not reasonably available, through March 14, 2021.

